

United States District Court
Middle District of Pennsylvania

José Nieves-Galarza,
Movant

Case No. 1:11-CR-0057-01

vs.

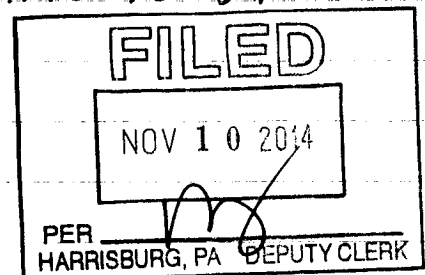
United States of America,
Respondent

Motion To Modify Sentence
Pursuant To 18 U.S.C. 3582

PROCEDURAL HISTORY

ON OR ABOUT FEBRUARY 12, 2013 THE MOVANT, JOSÉ NIEVES-GALARZA WAS SENTENCED IN THE MIDDLE DISTRICT OF PENNSYLVANIA, HARRISBURG DIVISION TO A TERM OF 109 MONTHS AND 3 YEARS SUPERVISION FOR VIOLATIONS OF 18 U.S.C. 922(G)(1) AND 924(E) (FELON IN POSSESSION OF A FIREARM). HE WAS ALSO CHARGED WITH POSSESSION OF 500 OR MORE GRAMS OF COCAINE. ON MARCH 19, 2014 HE RECEIVED AND AMENDED JUDGEMENT AND COMMITMENT REDUCING HIS TIME TO 87

1. The date of the offense
is 9-2-2010.



months. He remains in custody at the Federal Medical Center at Lexington, Kentucky.

Memorandum OF LAW

On April 10, 2014 the United States Sentencing Commission (U.S.S.C.) voted on Amendment 782 (the two-level drug Amendment Reduction). This Application of the Guidelines reduced the sentencing guideline applicable to the drug quantity table by two-levels for all drug types for offenders sentenced on or after November 1, 2014.

On July 18, 2014 the United States Sentencing Commission voted to apply this guideline "retroactive" to reduce sentences for drug offenders sentenced before November 1, 2014. This Court retains the authority to modify the Movant's sentence.

Relief Sought

Comes now, the Movant, Jose Nieves - GALARZA and respectfully that this Court grant the relief sought, pursuant to

Amendment 782, And grant him A two-Level Reduction Associated with the COCAINE INVOLVED IN HIS CASE. He UNDERSTANDS THAT THE GUN CHARGES INVOLVED A MANDATORY MINIMUM TERM BUT REALIZES THE COCAINE DID NOT.

Respectfully Submitted;

Jose Nieves

Jose Nieves-GALARZA

69873-067

FEDERAL MEDICAL CENTER

P.O. Box 14500

Lexington, Ky. 40512

11-2-14

Dated:

Certificate of Service

I hereby certify that true AND CORRECT
copies of the "Motion To Modify Sentence
PURSUANT TO 18 U.S.C. 3582", have been mailed
to the Following:

1. United States District Court
Middle District OF PENNSYLVANIA
Office OF The Clerk
P.O. Box 983
228 WALNUT Street
HARRISBURG, PA. 17101

2. Office OF The U.S. Attorney
Middle District OF PENNSYLVANIA
228 WALNUT Street
HARRISBURG, PA. 17101

- Jose Nieves
Jose Nieves-GALARZA
- MOVANT

- 11-2-14
Dated: